Restricted Disclosure of Arrests or Convictions

What is restricted disclosure?

Under certain circumstances, individuals who have been arrested and/or convicted of certain crimes in the past may have the release of information about those crimes restricted. Any case that has been restricted will not show up on a criminal history check by non-criminal justice organizations or individuals. The restricted case is <u>not</u> expunged (erased) from the criminal history; it is just not available to the requesting non-criminal organization or individual. However, sometimes the requesting party may petition a court to release the restricted criminal history. Criminal justice organizations will continue to have access to these records.

Who is eligible to have past criminal cases restricted from a criminal history check?

Indiana Code 35-38-5-5.5 may be available to a person who has been:

- arrested for an offense that was not charged; or
- arrested for an offense that was later dismissed; or
- charged with a crime(s) and later acquitted of all criminal charges; or
- convicted of an offense and the conviction was later *vacated*.

Indiana Code 35-38-8-1 through 7 is available to a person who:

- Has been convicted of a class A misdemeanor or class D felony that did not result in injury to another person; and
- Files the petition to restrict disclosure at least eight (8) years after the date the person's sentence was completed and all obligations associated with that sentence have been satisfied; and
- Has had no felony offenses charged since the completion of all of the obligations associated with the crime(s) for which Petitioner is seeking restricted disclosure; and
- Is not a sex or violent offender.

How to request restricted disclosure of a criminal case:

- Select the applicable petition and provide all of the information requested.
 Failure to complete the entire petition may result in the request being denied by the court.
- A separate petition must be completed for each case for which an individual wants disclosure restricted.
- After the petition is complete, it must be filed in the court where the case was originally charged.
- If there was an arrest, but no criminal charge filed, the completed petition should be taken to the County Clerk's Office to be filed.

The person filing the petition to restrict disclosure must also provide the applicable Order and six (6) stamped envelopes addressed to the Petitioner and the agencies or organizations that will be receiving the Order from the court.

If there are any questions, contact the County Clerk.

SIAI	e OF INDIANA) IN THE SUPERIOR COURT) SS:							
COUN	TY OF) CAUSE NO							
STATE OF INDIANA) vs) D.O.B								
							<u>VERII</u>	FIED PETITION FOR RESTRICTED DISCLOSURE OF CONVICTION RECORDS
							Th	e Petitioner, respectfully requests this Court, pursuant to I.C. 35-38-8-5, to Order
restric	ted disclosure of records pertaining to the Petitioner's conviction in the above-							
captio	ned cause to any noncriminal justice organization or individual without a court							
order.	In support of this Petition, the Petitioner states as follows:							
1.	Petitioner was convicted of the crime of(Provide names of crimes)							
	which is a in the (indicate whether crime is a misdemeanor or D felony)							
2.	(identify court and cause number). The commission of the offense did not result in injury to another person							
3.	The Petitioner was convicted on (date of conviction)							
4.	As a result of the conviction, Petitioner received the following sentence:							
5.	The Petitioner has completed all requirements of the sentence and any							
	obligations associated with the sentence.							
6.	It has been at least eight (8) years since all requirements and obligations							
	associated with the sentence have been completed.							

- 7. Petitioner is not a sex or violent offender.
- 8. If the conviction was for sexual misconduct with a minor, Petitioner has submitted proof that the defenses provided under I.C. 35-42-9(e) apply to Petitioner.
- Petitioner has not been convicted of a felony since completing the sentence and all obligations imposed by the sentence.
- 10. The Petitioner is serving a copy of this document on the County Prosecutors Office and the Indiana State Police, which maintains the state central repository for records.

WHEREFORE, the Petitioner, respectfully requests this Court to direct all law enforcement agencies, the state central repository for records, the Court Administrator's Office, and any other agencies that have provided services to Petitioner under court order, to restrict disclosure of the conviction of Petitioner in this cause, including any record and notations of the arrest and charges, to all noncriminal justice organizations or individuals without a court order.

Petitioner
VERIFICATION Iry, that the foregoing representations are true and
Petitioner

Respectfully submitted,

STATE OF INDIANA) \	IN THE SUPERIOR COURT
COUNTY OF) SS:)	CAUSE NO.
STATE OF INDIANA)	
vs)))	
DOB)	
ORDER RESTR	ICTING ACC	ESS TO RECORDS OF CONVICTION UNDER IC 35-38-8 et seq
Petitioner,		, has submitted a petition to

restrict disclosure of criminal convictions pursuant to I.C. 35-38-8 et seq, as follows:

(H.I.)

After review of said petition and upon due consideration, the Court finds that:

1. Said petition complies with the requirements of I.C.35-38-8;

[Petitioner's Name]

- 2. Petitioner was convicted of a misdemeanor or a Class D felony that did not result in injury to a person;
- 3. It has been at least eight (8) years since Petitioner has completed the sentence imposed for said conviction and all obligations associated with that sentence;
- 4. Petitioner has not been convicted of a felony offense since the completion of the sentence imposed in this cause, and the satisfaction of all obligations associated with that sentence; and
- 5. Petitioner is not a sex or violent offender and/or Petitioner's status as a sex or violent offender is solely due to a conviction for sexual misconduct with a minor and the defense provided under 35-42-4-9(e) applies to Petitioner.

IT IS THEREFORE ORDERED, AD	DJUDGED, AND DECREED THAT the		
agencies listed below shall not permit any	records, documents or information relating to		
[Insert name of Petitioner, DOB, Cause Nu	umber of case, Date of Arrest]		
be disclosed to noncriminal justice organiz	zations as part of Petitioner's limited criminal		
history.			
IT IS FURTHER ORDERED THAT	the agencies and/or organizations listed		
below shall not release said records or info	ormation to a noncriminal justice organization		
without a court order:			
County Sheriff's Department Indiana Department of Corrections	Police Dept.		
So Ordered this day of, 20			
J	UDGE/JUDICIAL OFFICER		
Distribution To: Petitioner: Address:			
Police Department [insert address]			
Indiana State Police Records Division Indiana Government Center North 100 North Senate Avenue			

Indianapolis, Indiana